

**NEW JERSEY DEPARTMENT OF TRANSPORTATION
PUBLIC MEETING NOTICE
DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
FTA Triennial DBE Agency Overall Goal
Federal Fiscal Years 2023 - 2025**

In accordance with US Department of Transportation (USDOT) Federal Regulations, 49 CFR Part 26, the New Jersey Department of Transportation (NJDOT), hereby announces its proposed overall agency goal of 7.59% for Disadvantaged Business Enterprise (DBE) participation on federally assisted transit projects during Federal Fiscal Years 2023, 2024 and 2025.¹

Specifically, details about the goal and methodology by which it was developed are available for review during normal business hours at NJDOT headquarters beginning August 12, 2024, through September 16, 2024. To schedule an appointment to review these documents, please call 1-609- 963-2047.

This is not a notice of formal rulemaking. However, both the Federal Transit Administration and the New Jersey Department of Transportation will accept comments on the proposed DBE goal for informational purposes only, at the following addresses:

New Jersey Department of Transportation
Division of Civil Rights/Affirmative Action
Disadvantaged and Small Business Programs
1035 Parkway Avenue
P.O. Box 600
Trenton, New Jersey 08625-0600

Email: DOT.DBE_ESBEPrograms@dot.nj.gov

OR

United States Department of Transportation
Federal Transit Administration Region 2 Office
One Bowling Green, Room 4289
New York, New York 10004-1415

NJDOT will accept public comments beginning August 12, 2024 through September 16, 2024.

To provide disadvantaged businesses and other business enterprises, public agencies and other interested individuals an opportunity to offer comments, NJDOT will hold a public meeting on **September 16, 2024, from 10:00 AM to 12:00 PM** at the New Jersey Department of Transportation Bordentown Training Complex, 101-107 Dunns Mill Rd, Bordentown, NJ 08505. Meeting capacity is limited, therefore please RSVP by phone at 1-609-963-2047.

¹ The federal Fiscal Year begins October 1 and ends September 30.



NEW JERSEY DEPARTMENT OF TRANSPORTATION

METHODOLOGY FOR DETERMINING TRIENNIAL DISADVANTAGED BUSINESS ENTERPRISE (DBE) OVERALL GOAL FOR FEDERAL FISCAL YEARS (FFY) 2023 THROUGH 2025 (FTA)

Introduction

The New Jersey Department of Transportation (NJDOT) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with the regulations of the United States Department of Transportation (USDOT), 49 C.F.R. Part 26. As a requirement of the federal regulations, the NJDOT must establish and submit a triennial DBE goal.

The purpose of the DBE goal setting process is to ensure non-discrimination in the award and administration of USDOT-assisted contracts, create a level playing field on which DBEs can compete fairly for those contracts, and to ensure the DBE program is narrowly tailored in accordance with applicable law.

DBE Directory

NJDOT is a certifying partner in the New Jersey Unified Certification Program (NJUCP). The NJUCP Directory contains information required by CFR 26.31 and is available to the public via the internet at www.njucp.dbesystem.com.

NJDOT – ASSISTED CONTRACTING PROGRAM FOR FFY 2023-2025

TABLE 1 represents NJDOT's FTA assisted contracting program which consists of a single project when considering goal methodology.

Ferry Slip Reconstruction at the CRRNJ Terminal State Historic Site		
Work Type		
Demolition	Construction	\$ 1,800,000
Cast-in-place Concrete Pile, Furnished, 18" Diameter	Construction	\$ 750,000
Cast-in-place Concrete Pile, Driven, 18" Diameter	Construction	\$ 960,000
Concrete pier column and cap	Construction	\$ 142,500
Precast concrete deck panels, HPC	Construction	\$ 500,000
Precast concrete deck panels, HPC	Construction	\$ 54,000
Concrete closure pour	Construction	\$ 30,000
Timber structure	Construction	\$ 250,000
Structural steel	Construction	\$ 350,000
Landscape accent wall	Construction	\$ 171,875
Barrier gate	Construction	\$ 256,000
Handrail	Construction	\$ 61,500
Brick pavers	Construction	\$ 24,444
Luminaire decorative	Construction	\$ 500,000
Electrical work	Construction	\$ 400,000
Cathodic protection jackets	Construction	\$ 70,000
Pedestrian bridge	Construction	\$ 60,000
Floating Steel Platform	Construction	\$ 365,000

Goal Methodology

Step 1: Determination of Base Figure (Relative Availability of DBEs)

A. Market Area Analysis

To establish a base figure of the relative availability of DBEs to all comparable firms available to participate on NJDOT’s-FTA assisted contracting opportunities, NJDOT conducted a Market Area Analysis as required by 49 CFR 26.46(c). NJDOT determined that the State of New Jersey is its market area based on the award of 96% of its contracting opportunities to New Jersey based firms between July 1, 2018, and June 30, 2021.

B. Defining the Variables

The Step One Base Figure is a measurement of the actual relative availability of DBEs and

potential DBEs to perform the types of work that NJDOT intends to contract. It is the percentage of DBEs among all firms that are ready, willing, and able to compete for DOT-assisted contracts. This percentage is calculated by dividing the number of DBEs ready, willing, and able to perform the types of work that NJDOT will fund during this triennial period, by the number of all firms (DBEs and non-DBEs) ready, willing, and able to perform these same work types.

Pursuant to 49 CFR 26.45(c)(1), NJDOT has determined the work type areas under the North America Industrial Classification System (“NAICS”) for the period of the triennial goal and the number of all ready, willing, and able businesses available in its market that perform work in the same NAICS codes by using the 2020 Census Bureau's County Business Pattern (CBP) database. The 2020 CBP is the most current data available at the time of this proposed goal.

Secondly, NJDOT has determined the number of ready, willing, and able DBEs. “Ready willing and able DBEs” are DBEs certified to work in the NJ Unified Certification Program (NJ UCP) Directory with NAICS codes in work categories where NJDOT can identify opportunities for DBE firms to participate on FTA-assisted contract(s).

This base figure expresses the availability of DBEs as a percentage of all firms for each NAICS code for which there will be contracting and subcontracting opportunities. As reflected in the Table, the relative availability of DBEs to all firms per NAICS code is factored against the projected FTA dollars by NAICS code, thereby providing a weighted participation by NAICS code.

NAICS Description	NAICS	NJUCP	Total Firms	DBE Availability	Projected FTA Dollars	DBE Total Dollars
Highway, Street, and Bridge Construction	237310	155	652	0.24	\$ 337,365	\$ 80,202
Other Heavy and Civil Engineering Construction	237990	7	185	0.04	\$ 875,165	\$ 33,114
Poured Concrete Foundation and Structure Contractors	238110	45	628	0.02	\$ 595,350	\$ 42,660
Structural Steel and Precast Concrete Contractors	238120	13	261	0.05	\$ 741,409	\$ 36,928
Electrical Contractors and Other Wiring Installation	238210	34	6001	0.01	\$ 769,986	\$ 4,363
Site Preparation Contractors	238910	76	1542	0.05	\$ 1,428,840	\$ 70,423
All Other Specialty Trade Contractors	238990	9	2032	0.00	\$ 469,885	\$ 2,081
Fabricated Structural Metal Manufacturing	332312	8	122	0.07		\$ -
Landscaping Services	561730	31	6142	0.01	\$ 136,434	\$ 689
TOTAL		343	17,565	0.02	\$ 5,354,434	\$ 672,563

$$\begin{aligned}
& \text{1. Calculation of Relative Availability} & = & \text{Number of DBEs} \\
& & & \text{All Firms (DBEs \& Non DBEs)} \\
& & = & 463/17565 \\
& & = & 0.0264
\end{aligned}$$

$$\begin{aligned}
& \text{2. Calculation of DBE Participation by Dollars} & & \text{Total DBE Dollars} \\
& & & \text{Total FTA Assisted Dollars} \\
& & = & \$672,563 / \$5,354,434 \\
& & = & 0.1256
\end{aligned}$$

Step 2: Adjusting the Base Figure

Past DBE Goal Attainments

The NJDOT has extensive historical data related to general transportation construction. However, there is limited historical data within the department related to ferry slip construction, or similar types of projects. Additionally, the department has historically used a combination of race neutral and race conscious calculations to develop project specific goals. Being as this triennial plan is being proposed as singularly race neutral, we determined the historical data to be unusable.

Final Goal Calculation

The final DBE goal was calculated as the average of Relative Availability and projected Participation by Dollars.

$$\begin{aligned}
& \text{Final DBE Goal (Race Neutral)} & = & (0.0264 + 0.1256) / 2 \\
& & = & 0.0759 \\
& & = & 7.59\%
\end{aligned}$$